

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
MONDAY, JUNE 4, 2007 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:32 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Messer, Mr. Blevins, Mr. Zurschmiede and President Larry Kochert.

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Building Commissioner Ron Hartman and Board of Works member Matt Denison

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Gahan asked that his question of whether the sewer board budget was voted on and he was told it was not could be added to the minutes.

Mrs. Crump made a motion to approve the May 17, 2007 meeting minutes as amended, Mr. Messer second, all voted in favor.

Mr. Blevins moved to suspend the rules, Mrs. Crump second, all voted in favor

Mr. Blevins moved to amend the agenda to move the CF-1's up, Mr. Messer second, all voted in favor.

APPROVAL OF CF-1 FORMS:

Glenn G. Hancock, Compliance With Statement of
Benefits, Referencing R-98-33 (RE)

Mr. Coffey moved to approve, Mr. Blevins second, all voted in favor.

Wood & Horrell, LLC, Compliance with Statement of
Benefits, Referencing R-99-08(RE)

Mr. Blevins moved to approve, Mr. Price second, all voted in favor.

Kelly & Richard Fust, Compliance With Statement
Of Benefits, Referencing R-03-28 (RE)

Mr. Messer moved to approve, Mr. Coffey second, all voted in favor.

Ideal Wood Products, Inc., (Morency Real Estate),
Compliance With Statement of Benefits, Referencing
R-02-31 (RE) and R-03-35 (PP)

Mr. Gahan moved to approve, Mr. Blevins second, all voted in favor.

L & D Mail Masters, Inc., Compliance With
Statement of Benefits, Referencing R-97-42 (RE),
R-97-46 (RE), R-98-08 (PP), R-01-13 (RE),
R-02-18 (RE), R-05-06 (PP), R-06-12 (PP) and
R-06-39 (PP)

Mr. Price moved to approve, Mrs. Crump second, all voted in favor.

Lukemeier Industrial Mold & Machine, Compliance
With Statement of Benefits, Referencing R-00-32 (PP)

Mr. Coffey moved to approve, Mr. Blevins second, all voted in favor.

Monroe Shine & Co., Inc, Compliance With
Statement of Benefits, Referencing R-99-07 (RE)

Mr. Crump moved to approve, Mr. Messer second, all voted in favor.

Padgett, Inc., Compliance With Statement
Of Benefits, Referencing R-98-05 (RE), R-02-25 (RE) and
R-02-27 (RE)

Mr. Blevins moved to approve, Mr. Messer second, all voted in favor.

Payne Sparkman, Inc, Compliance With Statement of
Benefits Referencing R-98-23 (RE)

Table

Product Specialties, Inc., Compliance With Statement of
Benefits Referencing R-98-14 (PP) and R-98-17 (RE)

Mr. Messer moved to approve, Mr. Price second, all voted in favor.

S & J Precision, Inc., Compliance With Statement of
Benefits Referencing R-04-24 (RE) and R-04-37 (PP)

Table

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – CITY OFFICIALS:

Mr. Gahan discussed the sewer utility proposed spending and explained that they currently have \$70M in debt. He stated that last year the sewer utility came forward for a new sewer rate and after this was approved unanimously he asked that they present an itemized budget annually.

Mr. Price presented proposed railroad crossing closure list. He stated that CSX informed him that the more crossings that can be closed the more federal money the city can get. He explained that these were not written in stone but he wanted to make the council aware that they may be coming to the council in the future.

Mr. Zurschmiede asked if he had contacted them about this himself.

Mr. Price stated that Valla Ann had contacted him and stated that she was meeting with them and that he was more than welcome to come to the meeting.

Mr. Messer stated that this would not be good for the police department and there are times on police runs that the only way to get to an address is through the alley ways.

Mrs. Crump stated that she doesn't see how this will benefit the City in any way.

Mr. Blevins stated that this would cause a problem for the sanitation department.

Mr. Zurschmiede stated that they wouldn't even be able to pull through some of these areas with a large truck and would have to back out and this would just cause issues.

Mr. Coffey stated that they need to get the tracks fixed

Mr. Zurschmiede agreed with Mr. Coffey and stated that if they are worried about safety issues then fixing the tracks should be the first solution.

Mr. Coffey stated that he talked with a gentleman that works with EMC that stated that he has to sign a form of confidentiality or he will be fired and he explained that if this is true he would have a hard time dealing with a company like that.

Mr. Zurschmiede stated that what if there is some trade secrets in the company and that is why they have to sign a confidentiality agreement or that they have a unique way of running the plant. He stated that they are talking about an employee working for a private company and that company can do whatever is in their best interest to protect themselves.

Mr. Coffey stated that this private company is funded by public funds and they have to have a system of checks and balances and he doesn't see this with EMC

Mr. Blevins asked why the sewer budget did not get voted on.

Mr. Kochert explained that the council was given a budget and the council voted on which procedure they wanted and they superseded the Sewer Board. He stated that Mr. Gahan was specifically brought in to answer any financial questions so that he would understand their shortcomings.

Mr. Blevins stated that he was the one asking the questions at this point and it had nothing to do with Mr. Gahan. He just wanted to know why the budget was never voted on.

Mr. Kochert said that would be a question he would have to take to the Sewer Board but that all the members of the council were presented with the budget.

Steve LaDuke, Building Commission President, reported that they have taken care of four properties, two have been purchased by the Historic Preservation and two have been demoed. He explained that they have one more on St. Joe Road that is slated for demolition and that they paid \$6,500 to have another area demoed on South Street.

Mr. Kochert said that he would like for Mr. Price to research to see if the money goes back into the general fund because he believes it should be a non-reverting fund

Ron Hartman, Building Commissioner, presented Scott Hollis as the residential building inspector for approval by the council

Mr. Kochert said that the only question he knew surrounding this was whether or not it was advertised.

Mr. Hartman said to his knowledge it was and he had three candidates for the job and Mr. Hollis was the most qualified.

Mr. Zurschmiede asked when it would have been advertised.

Mr. Kochert said that it had to be advertised prior to November 2006.

Mr. Blevins said he didn't think it had to be advertised and that it is the Mayor's sole discretion for hiring.

Mr. Ulrich stated that he would think it was up to the discretion of the department heads as well as the mayor.

Mr. Kochert stated that it was his understanding that the Mayor makes the pick, it goes to the Board of Works and then the Council approves or denies it.

Mr. Zurschmiede said he didn't feel comfortable approving someone when he has only had a few minutes to think about it.

Mr. Messer asked if they could approve it at the next meeting and they could do his salary retro-actively.

Mr. Coffey said he has no problem with this position or anything he would just like it to be done the right way, but he does not agree with the retro-active pay.

Mr. Zurschmiede asked if they could get a copy of his resume in the next packets and to get it on the agenda.

COMMUNICATIONS – MAYOR:

APPOINTMENTS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:

READING

Z-07-09	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-06-07: JonPaul, Inc.)	Zurschmiede 1
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Mr. Zurschmiede withdrew Z-07-09.

A-07-12	An Ordinance Approving an Additional Appropriation From the Economic Development Income Tax (EDIT) Fund	Zurschmiede2&3
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Mr. Zurschmiede moved for the second and third reading of A-07-12, Mr. Schmidt second, all voted in favor. Bill A-07-12 became Ordinance A-07-24.

A-07-13	An Ordinance Approving an Additional Appropriation From the Economic Development Income Tax (EDIT) Fund	Zurschmiede2&3
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Mr. Zurschmiede moved for the second and third reading of A-07-13, Mr. Crump second, all voted in favor. Bill A-07-13 became Ordinance A-07-25.

A-07-14	An Ordinance Approving an Additional Appropriation From the Economic Development Income Tax (EDIT) Fund	Blevins 2&3
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Mr. Blevins moved for the second reading of A-07-14, Mr. Messer second, all voted in favor.

A-07-15	An Ordinance Approving an Additional Appropriation From Fire Runs Non-Reverting Fund	Coffey 2&3
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Mr. Coffey moved for the second and third reading of A-07-15, Mr. Schmidt second, all voted in favor. Bill A-07-15 became Ordinance A-07-26.

A-07-16	An Ordinance Approving an Additional Appropriation From the Drainage Non-Reverting Fund	Coffey 2&3
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Mr. Coffey tabled this for tonight so that they can look over their proposed budget

A-07-17	An Ordinance Approving an Additional Appropriation From the Riverboat Fund	Crump 2&3
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Mrs. Crump moved for the second and third reading of A-07-17, Mr. Price second, all voted in favor. Bill A-07-17 became Ordinance A-07-27.

A-07-18	An Ordinance Approving an Additional Appropriation From the Local Roads and Streets Fund	Price 2&3
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Mr. Price moved for the second and third reading of A-07-18, Mr. Coffey second, all voted in favor. Bill A-07-18 became Ordinance A-07-28.

Mr. Kochert stated that he will be talking with Mrs. Garry about setting up meetings next week to discuss the 2008 budget.

Mr. Schmidt stated that he doesn't think they should discuss the 08 budget until they get the 07 budget back from the State.

Mr. Kochert said that they have worked like that in the past and he would prefer that they didn't keep pushing it back to the last minute.

Mr. Messer and Mrs. Crump will not be at the next meeting and Mr. Blevins stated that he does not know whether he will make the next meeting either.

Mr. LaDuke stated that he has gotten an answer to Mr. Schmidt's question regarding the money that they collect from liens on demoed houses. He explained that it does go back to the general fund.

MISCELLANEOUS COMMUNICATIONS: (public comments on non-agenda items)

Mr. Coffey asked Mr. Brian Dixon whether the people that work for EMC are required to sign a confidentiality agreement.

Mr. Dixon explained that the only situation he is aware of is a gentleman that is leaving the company due to physical problems and they asked that he sign an agreement not to discuss the situation between him and the company, and that had nothing to do with safety or the operations but he was not required to sign it; which he didn't.

Mr. Coffey asked about the situation on Olive Avenue

Mr. Dixon said that he is not aware of the situation at this location.

Mr. Coffey asked when they have a situation where the sanitary sewer line and a storm line that are connected which department responds.

Mr. Dixon said they would have to evaluate the situation to see whether it was a direct connection or a cross connection and then make the decision from there.

Mr. Messer asked about the hole in the alley off of 15th Street.

Mr. Dixon said that his men were out there looking at it because of a break in the line

Mr. Messer asked if he could talk about the incident on Elm Street

Mr. Dixon said there was a void under the pavement reported a couple of weeks ago roughly four foot in diameter and Chuck Simons thought it was a sanitary sewer problem. He assured Mr. Simons that there wasn't a sanitary sewer problem and shortly after that another hole opened up and found some concrete oozing over and they asked a contractor to come out and look at it and they had a collapsed line. He said they have dug it up and have the first 30 feet of it repaired and it is in the process of proceeding further up the line to fix the pipe.

ADJOURN:

There being no further business to be heard, the public hearing adjourned at 8:40p.m.

Larry Kochert, President
Common Council, City of New Albany

ATTEST: _____
Marcey J. Wisman, City Clerk